THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 18257 of 2007

28-08-2007

Between:

Kommireddi Raja Ramamohana Rao and four others.

Petitioners

And

The District Collector, Kakinada,
East Godavari district and another.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 18257 of 2007

Oral Order:

The petitioners' lands in Navakandrawada village, Pitapuram mandal, East Godavari district were proposed for acquisition for providing house sites to weaker sections under Indiramma Programme by a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') dated 17-07-2007. Urgency was not invoked nor the enquiry under Section 5A of the Act dispensed with. Notice under Section 5A of the Act

soliciting objections from the petitioners dated 17-07-2007 was communicated to the petitioners. The petitioners lodged their objections dated 20-08-2007 which were communicated to the second respondent. Thereafter no further proceedings have taken place. The petitioners assert *inter alia* that an order of conversion of agricultural lands into non-agricultural land has not yet been passed under the provisions of the Andhra Pradesh Agricultural Lands (Conversion for Non-agricultural purposes) Act, 2006. This contention is no longer valid in view of the judgment of this Court dated 14-08-2007 in W.P.No. 26424 of 2007 and batch. In this judgment, a learned single Judge of this Court has taken the view that obtaining prior permission from the competent authority under the Act would not arise before vesting of the land in the State under a process of acquisition. Regarding the other objections set out in the petitioners statement of objections dated 20-08-2007, the same are liable to be considered by the competent authority under Section 5A of the Act. The petitioners have also sought personal hearing which is also mandated by the provisions of Section 5A of the Act. The competent authority is therefore required to offer an opportunity of personal hearing to the petitioners as part of the process of enquiry under Section 5A of the Act. In the circumstances and since no declaration under Section 6 of the Act has yet been issued, no specific order is required to be passed in

this writ petition.

The writ petition is disposed of directing the respondents to offer personal hearing to the petitioners and communicate the decision taken under Section 5A of the Act by the competent authority to the petitioners by registered post under acknowledgement due. Till then, the petitioners shall not be dispossessed. No costs.

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GODA RAGHURAM, J

Dated: 28-08-2007
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